

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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|--------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA | : | COURT NO: 97-CR-145(02) DRD |
| Plaintiff | : | |
| | : | |
| vs. | : | COLLECTION OF MONEY |
| | : | |
| WALDEMAR PEREZ QUINTANA | : | |
| Defendant | : | |
| _____ | : | |

USA'S RESPONSE TO DEFENDANT'S PARTIAL OPPOSITION TO MOTION
REQUESTING ORDER FOR TRANSFER OF FUNDS

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, through its undersigned attorneys and respectfully sets forth as follows:

1. On March 1, 2002, the defendant Waldemar Perez Quintana, was sentenced to pay a Special Monetary Assessment in the amount of \$300.00, and a Criminal Fine in the amount of \$10,000.00.

2. Since the defendant has not satisfied his Criminal Fine and a Surety Bond in the amount of \$75,000.00 was deposited in this case, the Plaintiff requested an Order, pursuant to 28 U.S.C. § 2044, to transfer said funds to satisfy the criminal fine in the amount of \$10,000.

3. On June 28, 2005, the defendant's attorney filed a "Partial Opposition to Motion Requesting Order for the Transfer of Funds" alleging that the transfer should be only up to the amount of the fine; that is, only up to the amount of \$10,000.

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4. The U.S. Government hereby informs this Honorable Court that it has no objection to defendant's requests and that, from the Surety Bond deposited, only the amount of \$10,000 be transferred to the Crime Victim Fund; and further, that any balance left on the surety bond, be returned to the defendant.

Wherefore, the United States respectfully requests from this Honorable Court to take notice of all the above and issue, pursuant to 28 U.S.C. Section 2044, an order addressed to the Clerk of the Court to transfer only the amount of \$10,000.00, from the monies deposited in the Surety Bond into the Crime Victim Fund; and further, that once said transfer of funds is made, any balance left on the Surety Bond, be returned to the defendant.

CERTIFICATE: I hereby certify that on this date the instant motion was filed via CM/ECF which will automatically notify the following PARTICIPANTS: Rafael Castro Lang, Esq.

In San Juan, Puerto Rico, this 6th day of July, 2005.

H. S. GARCIA
UNITED STATES ATTORNEY

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